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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,376	08/27/2001	Masayuki Morishima	TAIYO48.001AUS	4346

20995 7590 10/12/2004

Knobbe Martens Olson & Bear LLP  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614

EXAMINER
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POND, ROBERT M

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 10/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/940,376

Applicant(s)

MORISHIMA, MASAYUKI

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/01/8/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-20 are rejected under 35 USC 102(e) as being anticipated by Wittenburg et al. (patent number 6,515,656 hereinafter referred to as "Wittenburg").**

Wittenburg teaches all the limitations of Claims 1-20. For example, Wittenburg discloses a method and apparatus for viewing multimedia-based product images in accordance with user controls for the speed and direction of viewing (see at least abstract; col. 3, lines 8-45). Wittenburg discloses system hardware, software, and communications to transmit product category

information used to classify products, a user placing selected products into a shopping cart, and placing orders through the shopping cart (see at least Fig. 1 (10); Fig. 2 (28); Fig. 3 (30); Fig. 4 (21-27); Fig. 5 (40, 46, 48, 50); Fig. 6 (70); col. 3, line 50 through col. 10, line 7). Wittenburg discloses speed controls that allow the presented images to be displayed at variable speeds to adjust the cycle in which images are presented to the user (see at least Fig. 14 (130, 134, 136); col. 14, line 56 through col. 16, line 4). Wittenburg further discloses:

- Transmitting a plurality of product images: client nodes having a client browser connected to sever node over a network; transmitting product images from the server node (see at least Fig. 1 (12, 14, 15, 19); Fig. 6 (60); col. 3, line 50 through col. 4, line 4).
  - i. Automatically repeats automatic deleting of a predetermined number of product images: product image viewing area shows product images being displayed two at a time; controls interval of automatic deleting of previous two images (see at least Fig. 7 (76); col. 10, lines 8-33); Automatic scrolling automatically deletes a product image from the viewing area (Fig. 8 (52, 202, 204); col. 10, lines 34-67).
  - ii. Displaying of new product images of a predetermined number equal to the number of deleted product images: product image viewing area shows product images being displayed two at a time to replace the previously deleted two images; controls interval of

automatic displaying of an image to replaced deleted images (see at least Fig. 7 (76); col. 10, lines 8-33); Automatic scrolling automatically displays a new product image that replaces the deleted scrolled product image aligned in a predetermined direction (Fig. 8 (52, 202, 204); col. 10, lines 34-67).

*Pertaining to device and system Claims 1-3, 7-9, 13-15, 19, and 20*

Rejection of Claims 1-3, 7-9, 13-15, 19, and 20 is based on the same rationale as noted above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claim 21 is rejected under 35 USC 102(e) as being unpatentable over Wittenburg (patent number 6,515,656).**

Wittenburg teaches all the above as noted under the 102(e) rejection and teaches the order system a) displaying scrolled multiple images, displaying stacked multiple images, displaying overlapped images, displaying fly-by images, and displaying two images at a time, b) automatically deleting and replacing a predetermined number of images, and c) displaying images of various sizes, but

does not disclose the order system comprising a function for changing the predetermined number. It would have been obvious to one of ordinary skill in the art at time of the invention to modify the system of Wittenburg to disclose a function to change the predetermined number, sine one of ordinary skill in the art would ascertain a need to display and delete a predetermined number of images due to variations in image sizes in relation to viewer display viewing area.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- EP 0410036 (Yamamoto) 30 January 1991; cited in IDS filed 20 August 2002; teaches image display having a plurality of images displayed for selection, using short and long waiting periods between image updates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mr. Robert M. Pond** whose telephone number is 703-605-4253. The examiner can normally be reached Monday-Friday, 8:30AM-5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ms. Wynn Coggins** can be reached on 703-308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

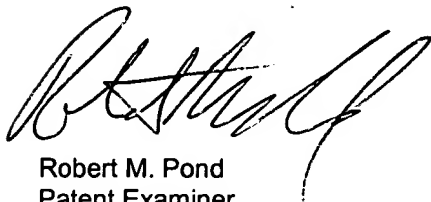
***Washington D.C. 20231***

or faxed to:

Art Unit: 3625

**703-872-9306** (Official communications; including After Final  
communications labeled "Box AF")

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

A handwritten signature in black ink, appearing to read 'R. M. Pond', with a stylized flourish at the end.

Robert M. Pond  
Patent Examiner  
September 28, 2004